

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

GARY MILLER, on behalf of himself and
all others similarly situated,

Plaintiff,

v.

MORGAN STANLEY & CO.
INCORPORATED,

Defendant.

Civil Action No. 08-cv-3012

**MOTION OF THE MILLER GROUP FOR
(1) APPOINTMENT AS LEAD PLAINTIFF AND
(2) APPROVAL OF THEIR SELECTION OF LEAD COUNSEL**

The Miller Group¹, by its counsel, hereby respectfully moves this Court to: (i) be appointed Lead Plaintiff in the above-captioned securities class actions; and (ii) approve its selection and retention of Levi & Korsinsky as Lead Counsel.

In support of this Motion, the Miller Group submits herewith a Memorandum of Law, the Declaration of Joseph E. Levi with accompanying exhibits, and a Proposed Order.

DATED: May 27, 2008

LEVI & KORSINSKY, LLP

/s/ Joseph E. Levi

By: _____

Eduard Korsinsky (EK 8989)
Joseph E. Levi (JL 0848)
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¹ The Miller Group is comprised of the following members: Gary Miller, Brian Frank, Gil Halasz, Harold Weinberg, Michael Pepe, Sr. and James Dougherty.

CERTIFICATE OF SERVICE

Juan E. Monteverde, being duly admitted attorney authorized to appear before the US District Court, Southern District of New York, under penalties of perjury, affirms as follows:

1. I am over eighteen years of age and am not a party to the above referenced matter.
2. On May 27, 2008, I served Notice of Motion, Memorandum in Support, Declaration of Joseph E. Levi in support and [proposed] Order on:

Gregory A. Markel
Ronit Setton
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(212) 504-6000

ATTORNEYS FOR DEFENDANTS

Christopher Adam Seeger
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ATTORNEYS FOR PLAINTIFF

the address designated by said attorneys for that purpose, by depositing a true copy thereof, in a first class pre-paid envelope properly addressed as indicated above and via ECF.

Dated: New York, NY
May 27, 2008

/s/ Juan E. Monteverde

Juan E. Monteverde